

SEP-02-2003 14:52

NIXON, PEABODY 10TH

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FAX

To:	Company	Fax #:	Telephone #:
1) Examiner Nelson	U.S. Patent and Trademark Office	(703) 746-4993	
2)			
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INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY & CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

From: Michael L. Goldman	Date: September 2, 2003	No. of Pages: 6 (including this page)	
Comments:			
Re: U.S. Patent Application Serial No. 09/597,840			
Examiner Nelson:			
Per your request, attached please find the Notice of Appeal we filed in the above-identified case on June 16, 2003. Also attached is a copy of the date-stamped returned postcard.			
Wendy L. Barry Secretary to Michael L. Goldman			

Original of the transmitted document will be sent by:
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From: Michael L. Goldman	Date: September 2, 2003	No. of Pages: 6 (including this page)	Client/Matter: 19603/3340
User #: 1206	Ext: 1304	Disbursement Amount: \$	

Received from <585 263 1600> at 9/2/03 2:44:52 PM [Eastern Daylight Time]

UTILITY/DESIGN PATENT

Date: 6/16/03

(amend/final amend)

Date of O.A.: 12/17/07

Rec'd in the U.S. Patent & Trademark Office on the date stamped hereon

via Certificate of Mail:

Case # 19603/3340 SN: 189597840 Filed: June 20, 2000

Pat. # _____ Issued: _____

Examiner: A. RubelArt Unit: 1438Batch: _____ JUN 18 2003 Entry: A. Coons & LvesApplicant: Qui et al.Title: ENHANCEMENT OF GROWTH IN PLANTS

Re-Exam Control # _____

VERIFIED BY: Asst: STW Quality Control: _____

- ☒ Transmittal Sheet in duplicate
☒ 3 Mo. Ext. Time in dupc.
☐ Request for Drawing Changes
☐ _____ pgs. Drawings
☒ \$ 1250 Check for Amend. 3 pgs.
☐ Issue Per Trans. in duplicate
☐ Information Disclosure Statement; PTO-1449 in duplicate with _____ Reference(s)
☒ Fee Transmitted
☒ Notification Regarding Loss of Entitlement to Small Entity Status Pursuant to 37 C.F.R. 2.158(b)
- ☐ Amendment in _____ pgs.
☐ Change of Address
☐ Small Entity Statement
☐ Assignment in _____ pgs.
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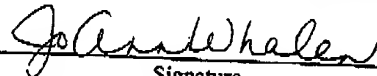
JUN 25 2003

FILE
DXT 19603/3340
STC

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number 09/597,840	
		Filing Date June 20, 2000	
		First Named Inventor Dewen Qiu	
		Group Art Unit 1638	
		Examiner Name A. Kubelik	
Total Number of Pages in This Submission 4		Attorney Docket Number 19603/3340 (CRF D-2018B)	

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> A copy of the Notice to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input checked="" type="checkbox"/> A self-addressed, prepaid postcard for acknowledging receipt <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Notification Regarding Loss of Entitlement to Small Entity Status Pursuant to 37 C.F.R. § 1.28(b)
Remarks <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 14-1138 for the above identified docket number.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Edwin V. Merkel Nixon Peabody LLP Clinton Square, P.O. Box 31051 Rochester, New York 14603-1051 Telephone: (585) 263-1128 Fax: (585) 263-1600
Signature	 Registration No. 40,087
Date	June 16, 2003

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]	
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<input checked="" type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450	
<input type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) _____	
Date June 16, 2003	Signature  Jo Ann Whalen Typed or printed name

FEE TRANSMITTAL FOR FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)1,250

Application Number 09/597,840 *Complete if Known*

Filing Date June 20, 2000

First Named Inventor Dewen Qiu

Examiner Name A. Kubelik

Art Unit 1638

Attorney Docket No. 19603/3340 (CRF D-2018B)

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number 14-1138

Deposit Account Name Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims 20** = 20 X 1 = 20

Independent Claims 3** = 3 X 1 = 3

Multiple Dependent: X = 0

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)0

**or number previously paid, if greater. For Reissues, see above

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	2053	130	Non-English specification
1812	2,520	2812	2,520	For filing a request for <i>ex parte</i> reexamination
1804	920*	2804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	2805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	410	2252	205	Extension for reply within second month
1253	930	2253	465	Extension for reply within third month
1254	1,450	2254	725	Extension for reply within fourth month
1255	1,970	2255	985	Extension for reply within fifth month
1401	320	2401	160	Notice of Appeal
1402	320	2402	160	Filing a brief in support of an appeal
1403	280	2403	140	Request for oral hearing
1451	1,510	2451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,300	2453	650	Petition to revive - unintentional
1501	1,300	2501	650	Utility issue fee (or reissue)
1502	470	2502	235	Design issue fee
1503	630	2503	315	Plant issue fee
1460	130	2460	130	Petitions to the Commissioner
1807	50	2807	50	Processing fee under 37 CFR 1.17(g)
1806	180	2806	180	Submission of Information Disclosure Stmt
8021	40	28021	40	Recording each patent assignment per property (times number of properties)
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))
1801	750	2801	375	Request for Continued Examination (RCE)
1802	900	2802	900	Request for expedited examination of a design application

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)1,250

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☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) _____

June 16, 2003
Date

Jo Ann Whalen
Signature
Jo Ann Whalen
Typed or printed name

SUBMITTED BY

Name (Print/Type) Edwin V. Merkel

Signature Edwin V. Merkel

Registration No. 40,087
(Attorney/Agent)

Complete (if applicable)

Telephone (585) 263-1128

Date June 16, 2003

PATENT
Docket No.: 19603/3340 (CRF D-2018B)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants :	Qiu et al.)	
Serial No. :	09/597,840)	Examiner:
Cnfrm. No. :	6516)	A. Kubelik
Filed :	June 20, 2000)	
For :	ENHANCEMENT OF GROWTH IN PLANTS)	Art Unit:
)	1638

NOTIFICATION REGARDING LOSS OF ENTITLEMENT
TO SMALL ENTITY STATUS PURSUANT TO 37 C.F.R. § 1.28(b)


Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

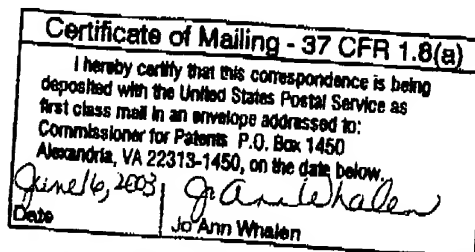
Applicants hereby advise the U.S. Patent and Trademark Office that as of November 4, 2002, the above-identified application was licensed to a large entity. Pursuant to 37 CFR § 1.28(b), it is therefore requested that the small entity status accorded to the present application be withdrawn and that this application be given large entity status. No fee deficiencies are owed.

Respectfully submitted,

Date: June 16, 2003


Edwin V. Merkel
Registration No. 40,087

NIXON PEABODY LLP
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TOTAL P.06